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COMMISSION ON HUMAN RIGHTS
Sub-Commission on Prevention of
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Forty-eighth session
Agenda item 10

THE ADMINISTRATION OF JUSTICE AND THE HUMAN RIGHTS OF DETAINEES

Written statement submitted by the Consultative Council of Jewish Organizations, a non-governmental organization in consultative status (category II)

The Secretary-General has received the following written statement, which is circulated in accordance with Economic and Social Council resolution 1296 (XLIV)

[August 1996]

The right of restitution, compensation and rehabilitation for victims of gross violations of human rights and fundamental freedoms

1. The Consultative Council of Jewish Organization has had the privilege and honour to submit different documents and papers in the field of racial intolerance and gross violations of human rights and fundamental freedoms to the Commission. Our late President Rene Cassin already contributed in 1948 to the Universal Declaration of Human Rights in furthering the important work and understanding of the United Nations. Many of our members serve in other organizations in the same way.

2. Today we welcome the Special Rapporteur's continuing interest concerning the right to restitution, compensation and rehabilitation for victims of gross violations of human rights and fundamental freedoms. Our organization's members have been involved with these problems for over 40 years in dealing

with the tragic matters on behalf of victims of Nazi oppression. The problems are in no way static for any group of refugees. We have learnt that we need flexibility in planning financial aid for those still alive after experiences in concentration camps, as slave labourers and as refugees. Many were traumatized as children and remain so today. The legal structure which at the outset seemed adequate has been shown again and again to be excessively restrictive and in many cases completely unfair. The changing circumstances of those who still suffer today require very long-term cooperation between nations, far more complex than could have been visualized at the outset. We reported on this in 1994 and, due to the work of the Conference on Jewish Material Claims Against Germany and Austria, progress has been made.

3. More than 20,000 Holocaust survivors world wide have been approved for compensation payments under the Claims Conference administered by the Article 2 Fund. Since then, 55 per cent of the successful claimants reside in Israel and 33 per cent in the United States. The German Government provides the funding for the Article 2 programme which is administered under strict German Government guidelines. The Claims Conference is pressing the German Government to liberalize the guidelines so that additional groups of survivors would receive compensation.

4. We further wish to report that within the past 12 months, the Claims Conference allocated more than DM 83 million (approximately $55 million) to organizations and institutions in 20 countries which shelter and provide essential social services to needy elderly Holocaust survivors, as well as to established institutions engaged in research and documentation of the Holocaust and the broad dissemination of its lessons.

5. Nearly 60 per cent of the funds have been allocated for projects in Israel where the majority of Holocaust survivors reside. These allocations have greatly contributed towards the establishment of 3,000 nursing and psychogeriatric beds there as well as the establishment of 17 senior day centres and other major projects benefiting elderly survivors. In addition, a substantial grant was made to Yad Vashem in Jerusalem, the dignified memorial in Jerusalem for all the 6 million killed. It was founded over 40 years ago with help from the Claims Conference.

6. Another area of major concern is the serious plight of thousands of Jewish aged victims of Nazi persecution in the former Soviet Union. Allocations have also gone to the establishment of senior welfare centres in Belarus, the Russian Federation and Ukraine and for the provision of food packages, soup kitchens, meals on wheels, as well as home care services for survivors living in these areas.

7. We have also provided grants for projects and programmes designed to expand and improve care to aged Nazi victims in Argentina, Australia, Bulgaria, Canada, Croatia, the Czech Republic, Germany, Hungary, Poland, Romania, Slovakia, South Africa, Sweden, the United Kingdom, the United States and Yugoslavia. These payments are funded with the proceeds from restituted heirless property from the former German Democratic Republic. Our organization was designated under the current German Property Restitution Law as the successor organization to these heirless and unclaimed Jewish individual properties, as well as to the assets of dissolved Jewish

communities and organizations. Our organization is actively engaged in a major effort to recover such properties in order to generate funding for these programmes.

8. Other work is still taking place with organizations in other countries involved with the looting of heirless Jewish property and assets. In Austria victims of Nazi persecution are being paid OS 70,000 per capita beginning this year, 1996. It is the first time that Austria has created such a fund and we understand that if the funds are not paid during the lifetime of the aged victims of National Socialism, then their descendants will receive these funds. It is estimated that there are 90,000 such victims still alive but only 8,000 have as yet applied. We hope that the victims will receive their payments quicker than appears possible at this moment.

9. We wish to report our experiences as an illustration of what can be achieved, in this case by cooperation between all Jewish organizations world wide to care for those who have suffered the indignities of racial hatred, and to offer our advice and experiences to others.